

**State of Hawaii**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
Divisions of State Parks  
Honolulu, Hawaii 96813

May 22, 2009

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

**SUBJECT:** REQUESTING APPROVAL TO CONTINUE THE CURRENT MONTH-TO-MONTH REVOCABLE PERMITS (RP) PURSUANT TO HRS SECTION 171-55, ISSUED TO THE TWO COMMERCIAL COMPANIES: ADVENTURES IN PARADISE AND HAWAII PACK AND PADDLE FOR LANDING AND LAUNCHING KAYAKS AT KAAWALOA, KEALAKEKUA BAY STATE HISTORICAL PARK, AS PART OF A GUIDED KAYAK TOUR, ON TERMS AND CONDITIONS TO BE NEGOTIATED BY THE CHAIRPERSON.

**INFORMATION**

The public and commercial use at Kealakekua Bay State Historical Park (KBSHP) both on land and in the bay (a Marine Life Conservation District - MLCDD) has generated considerable multidivisional management and public policy issues over a prolonged period of time. Insufficient staffing and management capacity, coupled with the incipient public and commercial demand, is contributing to the gradual decline of the quality of both the natural and cultural resources at this location.

To address this situation, the Department established the Integrated Resource Stewardship Group (IRSG) in 2008 for Kealakekua, consisting of staff of the 7 Divisions that have a jurisdictional and management interest in Kealakekua Bay and adjacent land. As a result, the draft Kealakekua Stewardship Area Plan (KSAP) has been prepared based on the collective assessment of the resources and appurtenant issues by the representative staff of these Divisions, culminating in various recommendations on how to address the multidivisional and jurisdictional resource management issues at Kealakekua. In particular, kayak use - both commercial and non-commercial - has been identified as an increasing management problem that continues to degrade the resources of this area. For this issue there are 15 recommendations listed in the KSAP.

Concurrently, the Division of State Parks has prepared a contract for a new Master Plan that is pending approval by the Attorney General. The planning process will take into consideration the issues identified by the IRSG.

**PREVIOUS BLNR ACTION**

On May 26, 2006, the Board authorized the issuance of RP's pursuant to HRS section 171-55 to: Adventures in Paradise, Hawaii Pack and Paddle, Kona Boys Inc. and Aloha Kayak Company for landing and launching kayaks at Kaawaloa, KBSHP. This was predicated on previous Board action that stipulated that commercial capacity is to be limited to four companies.

Of these four, only Adventures in Paradise and Hawaii Pack and Paddle submitted the request and associated documentation to qualify for an RP. The RP's were executed as a one year pilot project and will expire in June, 2009.

In light of the recommendations of the IRSG and staff, while the Department continues to consider the public's input on the draft KSAP and determine appropriate action relating to allowing and regulating commercial kayaking activity at Kealakekua Bay, the State Parks and Boating and Ocean Recreation Divisions are now recommending that the RP be extended strictly on a month to month basis for the two existing companies.

**RECOMMENDATION:**

That the Board:

1. Authorize the Chairperson to continue the issuance of month to month RP's pursuant to HRS Section 171-55 to the current permittees: Adventures in Paradise and Hawaii Pack and Paddle for landing and launching commercial kayaks at Kaawaloa, Kealakekua Bay, on terms and conditions that are to be negotiated by the Chairperson and further subject to the following:
  - a: Until such time as the KSAP is finalized;
  - b: The standard terms and conditions of the current RP, as may be amended from time to time;
  - c: Review and approval by the Department of the Attorney General;
  - d: Such terms and conditions as may be prescribed by the Chairperson to best serve the interest of the state and the natural and cultural resource of the subject area;
  - e: Chairperson may negotiate and change terms and conditions of standard RP, as deemed appropriate by the chairperson.

Respectfully submitted,



DAN QUINN

Division of State Parks Administrator

Attachment:

1. May 26, BLNR Submittal

**APPROVED FOR SUBMITTAL:**



LAURA THELEN

Chairperson

Board of Land & Natural Resources

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of State Parks  
Honolulu, Hawaii 96813

May 26, 2006

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Request for approval to enter into Revocable Permits pursuant to HRS section 171-55 with Adventures in Paradise, Hawaii Pack and Paddle, Kona Boys Inc. and Aloha Kayak Company for landing and launching kayaks at Kaawaloa, Kealakekua Bay State Historical Park, as a part of their commercial guided kayak tours within Kealakekua Bay, on terms and conditions to be negotiated by the Chairperson.

APPLICANTS:

Adventures in Paradise, Hawaii Pack and Paddle, Kona Boys Inc. and Aloha Kayak Company.

LEGAL AUTHORITY:

Sections 171-55, Hawaii Revised Statutes, as amended.

CHARACTER OF USE:

Launching and landing kayaks at Kaawaloa, Kealakekua Bay State Historical Park, as a part of their commercial guided kayak tours within Kealakekua Bay.

LOCATION:

Kaawaloa within the Kealakekua Bay State Historical Park, Island of Hawaii.

COMMENCEMENT DATE:

To be determined by the Chairperson.

FEE:

\$ 5.00 per guest, per landing.

REMARKS:

At the September 23, 2005 Land Board meeting, the department presented recommendations to the Land Board (Board) regarding the management of Kealakekua Bay on the island of Hawaii. One of these recommendations was to authorize the Chairperson to negotiate and enter into permit agreements subject to Attorney General approval. After review by the Attorney General the department was advised to seek further Board approval for issuance of Revocable Permits issued in behalf of the Division of State Parks for the launching and landing of kayaks at Kaawaloa with terms and conditions to be negotiated by the Chairperson.

ITEM E-1

Approved by the Board of  
Land and Natural Resources  
at its meeting held on

5/26/06

At the September 23, 2005 Land Board meeting, the Board further directed staff to report back to the Board within six months with a status report on the department's actions at Kealahou Bay and a report on how the department planned to address impacts at Kaawaloa. Thus the department returned to the Board on March 24, 2006, and gave an update on the department's progress and addressed issues at Kaawaloa. This Board submittal is attached as Exhibit "A" for your information and reference.

RECOMMENDATION: That the Board:

1. Authorize the issuance of Revocable Permits pursuant to HRS section 171-55 to Adventures in Paradise, Hawaii Pack and Paddle, Kona Boys Inc. and Aloha Kayak Company for landing and launching kayaks at Kaawaloa, Kealahou Bay State Historical Park, as a part of their commercial guided kayak tours within Kealahou Bay, on terms and conditions to be negotiated by the Chairperson and further subject to the following:
  - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
  - b. Review and approval by the Department of the Attorney General;
  - c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State and
  - d. Chairperson may negotiate and change terms and conditions of standard revocable permit form, as deemed appropriate by the Chairperson

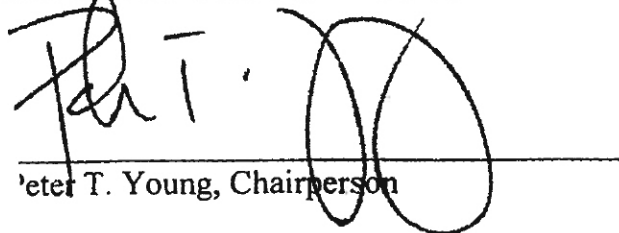
Chairperson shall determine eligibility of each commercial kayak tour operator for a revocable permit pursuant to HRS section 171-13. No revocable permit shall be issued to a commercial operator who is not eligible under HRS section 171-13.

Respectfully Submitted,



Dan Quinn  
State Parks Administrator

APPROVED FOR SUBMITTAL:

  
Peter T. Young, Chairperson